IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION APPLICATION NO. 190 OF 2006

Kiran Construction Co... .. .. Applicant.
Versus
Mahanagar Telephone Nigam Ltd.. .... Respondent.

Mr.SimilPurohit i/by Mr. V.L.Punjwani
for the Applicant.
Mr. S.R.Rajguru for the Respondent.

CORAM : SWATANTER KUMAR, C.J.
DATED : 4TH AUGUST, 2007.

P.C.:

During the course of hearing, it is stated by the learned Counsel appearing for the respondent that the post of Director General, Department of Telecommunications has just been abolished and the Chairman-cum-Managing Director of Mahanagar Telephone Nigam Limited holds the substituted post.

2. There is no dispute that there is an arbitration clause between the parties and the applicant had invoked the said clause vide its notice dated 2nd March, 2006, which has been received by the Offices of the Director General, Department of Telecommunications, New Delhi as well as the Deputy General Manager, Mahanagar Telephone Nigam Ltd.,

Mumbai. Still no arbitrator was appointed.

3. It may not be necessary for the Court to examine any other aspect of this case or to comment upon the matter or otherwise of the contentions raised in the petition as it is agreed that the Chairman-cum-Managing Director of Mahanagar Telephone Nigam Limited shall act as the sole Arbitrator. He shall enter upon the reference and adjudicate the disputes between the parties. It is expected that the Arbitrator would conclude the arbitration proceedings expeditiously.

4. This arbitration application is, accordingly, disposed of leaving the parties to bear their own costs.

Sd/-

CHIEF JUSTICE